

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-12 are cancelled. Claims 13-47 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, the Examiner rejected claims 13-47 under 35 U.S.C. § 103(a) as being unpatentable over Yoshinobu (U.S. Patent No. 5,686,954) in view of Nielsen (U.S. Patent No. 5,826,031). Applicant submits that the claims are patentably distinguishable over the cited references.

The Yoshinobu patent, as acknowledged by the Examiner, "fails to disclose a second on-screen display message having a higher on-screen display priority than the first on-screen display message."

The Examiner therefore contends that the Nielsen patent discloses a method for displaying on-screen messages based on their priority. Nielsen, however, merely describes a web browser that reads a web file and displays text from the file in a web page shown on a screen. Spaces in the web page are reserved for remotely stored objects that are to be embedded in the web page. The browser lists the objects according to their assigned priorities such that higher priority objects are listed ahead of lower priority objects, and then the browser initiates downloading of the objects according to the order set out in the list. Also, while a given object is being retrieved, downloading of the next object may be initiated if there is sufficient available incoming bandwidth and sufficient available bandwidth to the server holding the object so that two or more objects are concurrently retrieved. (See FIGS. 7 and 8; col. 3, ll. 7-24; col. 6, ll. 13-37 and 52-64; and col. 7, ll. 10-16 and 34-58.)

The Examiner argues that "Nielsen discloses a system in which objects are downloaded according to display priority

(column 6, lines 12-27, priority attribute) and displayed upon being downloaded. As higher priority objects are downloaded first, they are also displayed first to a user." However, Nielsen merely describes that the objects are ranked by their respective priorities and that *the downloading of the objects is then initiated according to the order of their respective ranks.* (See col. 3, ll. 10-13; and col. 7, ll. 27-36.) The patent does not disclose that *the objects are displayed* according to the order of their respective ranks.

Moreover, though Nielsen describes that after an object is received, the browser acts upon the retrieved object (see col. 3, ll. 13-15; and col. 7, ll. 14-16), *the retrieved objects need not be acted upon according to the order of their respective ranks* because two or more of the objects may be retrieved in parallel. The parallel downloading of the objects allows for the completion of downloading of a less highly ranked first object before the completion of downloading of a more highly ranked second object, even though the downloading of the second object was initiated before the initiation of downloading of the first object. Thus, the less highly ranked first object *is acted upon before* the more highly ranked second object.

As an example, if object A has a higher priority ranking than object B, the downloading of object A is initiated before the initiation of the downloading of object B, but the downloading of object B *is completed* before completion of the downloading of object A if the size of object B is sufficiently smaller than the size of object A or if object B is downloaded at a sufficiently higher bandwidth than the bandwidth at which object A is downloaded. As a result, the browser would act upon the less highly ranked object B before acting upon the more highly ranked object A. Therefore, Nielsen's description that the downloading of the objects is initiated according to their

priority rankings *cannot provide a suggestion* that the objects are also *displayed* according to their priority rankings.

The Examiner also acknowledges that Yoshinobu fails to disclose "displaying an urgent message before a first message" but contends that Nielsen's method allows for "displaying the more important information for a user to act on first". However, though Nielsen describes that the downloading of objects is initiated according to a particular order, Nielsen does not disclose or suggest that the downloaded objects are *acted upon in any particular order* for the reasons described above. Therefore, Nielsen does not disclose nor suggest an urgent message that requires providing notification of the urgent message *before displaying another message*.

Additionally, Nielsen describes that the priority ranking for each object is determined by a corresponding attribute *that is part of the locally stored web page data*. (See col. 6, ll. 13-37; and col. 7, ll. 18-26.) Also, the priority ranking of each object is determined *before that object is sent by its remote server* so that the presence of an object in a transmitted bit stream is *not an indication of its priority*, such as its *being an urgent message*.

Neither Yoshinobu nor Nielsen discloses or suggests:

the presence of the second on-screen display message in the transmitted second bit stream indicating that the second on-screen display message is an urgent message that requires a device that receives the transmitted first bit stream and the transmitted second bit stream to provide notification of the second on-screen display message before displaying the first on-screen display message

as called for in claim 13.

It follows that neither Yoshinobu nor Nielsen, whether taken alone or in combination, discloses or suggests the method defined in claim 13, and therefore claim 13 is patentably distinct and unobvious over the cited references.

Claims 14-24 depend from claim 13, and each further defines and limits the invention set out in the independent claim. It follows that each of claims 14-24 likewise defines a combination that is patentably distinguishable over the cited art.

Independent claim 25 is directed to an apparatus for transmitting information having limitations similar to those set out in claim 13. Claim 25 is therefore patentably distinguishable over Yoshinobu and Nielsen for at least the same reasons.

Claims 26-36 depend from claim 25 and, at least for the same reasons, are distinguishable over the cited references.

Independent claim 37 defines a readable medium recorded with instructions for tearing out the method of claim 13. Therefore, claim 13 is patentably distinguishable over Yoshinobu and Nielsen for at least the same reasons.

Independent claim 38 is directed to a method of receiving transmitted information and calls for:

forming, from the second bit stream, a second data table that includes at least one index which refers to a location of the first on-screen display message within the first data table and that includes a second on-screen display message, the presence of the second on-screen display message in the second data table indicating that the second on-screen display message is an urgent message that requires providing notification of the second on-screen display message before displaying the first on-screen display message;

reading the second on-screen display message in the second data table; [and]

providing notification of the second on-screen display message;

and further calls for:

displaying the first on-screen display message after said providing notification of the second on-screen display message.

For at least the reason set out above regarding claim 13, claim 38 is also patentably distinct and unobvious over Yoshinobu and Nielsen.

Claims 39-40 depend from claim 38 and each includes the limitations set forth in the independent claim. It follows that each of claims 39-40 likewise defines a combination that is patentably distinguishable over the references.

Independent claim 41 relates to an apparatus for receiving transmitted information that includes a processor having limitations similar to those set out in claim 38. It follows that claim 41 is patentably distinguishable over Yoshinobu and Nielsen at least for the same reasons.

Claims 42-43 depend from claim 41 and are therefore distinguishable over the references at least for the same reasons.

Independent claim 44 is directed to a readable medium recorded with instructions for carrying out the method of claim 41. Therefore, claim 44 is distinguishable over Yoshinobu and Nielsen at least for the same reasons.

Independent claim 45 defines a method of delivering information that includes limitations similar to those set out in claims 13 and 38, independent claim 46 relates to a system for delivering information that includes an apparatus for transmitting the information similar to that defined in claim 25 and that includes an apparatus for receiving the transmitted information similar to that defined in claim 41, and independent claim 47 is directed to a readable medium recorded with instructions for carrying out the method of claim 45. Therefore, each of claims 45-47 is patentably distinguishable over the Yoshinobu and Nielsen at least for the same reasons.

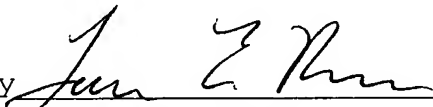
Accordingly, the withdrawal of the rejection of claims 13-47 under 35 U.S.C. § 103 is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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